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September 23, 2014

Via Facsimile

Chief Judge Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Saavedra 11 Civ. 6425 (AKH)

Dear Chief Judge Preska:

This letter is respectfully submitted by counsel for the Defendant, Alex Saavedra (“Defendant”) in the above-captioned matter. The fact discovery deadline in this case is October 10, 2014. On September 15, 2014, Defendant filed a letter with Judge Hellerstein requesting that the Court order prompt and full compliance with third party subpoenas served on the New York City Department of Small Business Services (“SBS”) and Charney Research LLC (“Charney”). Counsel for Charney, Jerry Goldfeder, Special Counsel to Strook & Strook & Lavan LLP, responded by a letter filed later that day.

On September 17, 2014, Judge Hellerstein responded to Defendant’s request, noting:

Since I formerly was a partner at Strook & Strook & Lavan LLP, I have to be recused from presiding over the discovery dispute. The dispute (this letter and the “2E” letter of Bettina Schein, Esq.) is respectfully referred to Ch. J. Loretta A. Preska for hearing and final determinations.¹

We enclose the letters and exhibits submitted in the instant discovery dispute. We respectfully request that the Court grant our document discovery request. In the alternative, we

¹ SBS did not respond to Defendant’s September 15, 2014 letter. Since Defendant’s letter, counsel for Charney has promised additional, unspecified, documents, but none have been produced.

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request that, at the Court's earliest convenience, a conference be scheduled to resolve this discovery dispute in advance of the October 10, 2014 date.

We thank the Court for its consideration of these matters.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Bettina Schein (by JF)". The signature is fluid and cursive, with the initials "JF" in parentheses at the end.

Bettina Schein

cc: Michael Rodriguez, Esq., counsel for SBS
Jerry Goldfeder, Esq., counsel for Charney
AUSA Ellen Blain, counsel for Plaintiff United States